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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR		Application Number	Filed
on <u>January 29, 2007</u>		<u>10/726,418</u>	<u>December 3, 2003</u>
Signature <u>Cynthia L. Hayden</u>		First Named Inventor	
Typed or printed name <u>Cynthia L. Hayden</u>		<u>John I. Garney</u>	
		Art Unit	Examiner
		<u>2186</u>	<u>Paul W. Schlie</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the		<u>Signature</u>	
<input type="checkbox"/> applicant/inventor.		<u>Timothy N. Trop</u>	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		Typed or printed name	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>28,994</u>		<u>(713) 468-8880</u>	
		Telephone number	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34		<u>January 29, 2007</u>	
		Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:

John I. Garney

Serial No.: 10/726,418

Filed: December 3, 2003

For: Write-Back Disk Cache

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Art Unit: 2186

Examiner: Paul W. Schlie

Docket: ITL.1047US
P17449

Assignee: Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

With respect to the objection under Section 112, in order for the steps to be essential, they have to be acknowledged as essential by the applicant in the specification. There is no basis to believe this is the case and none is pointed out in the office action. Thus, the objection that essential elements are left out should be reconsidered. See cited section M.P.E.P. 2172.01 which indicates that a claim that omits matter "disclosed to be essential to the invention as described in the specification or other statements of record" may be rejected.

With respect to the rejection based on Parry, it is respectfully submitted that Parry does not teach writing a dirty cache line to a disk drive "prior to the disk driver loading." The office action suggests that it does so prior to "reloading," but at the time of writing the disk lines in Parry, the disk driver is loaded. Moreover, there is no monitoring for a disk driver request prior to disk driver loading.

Date of Deposit: January 29, 2007

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cynthia L. Hayden
Cynthia L. Hayden

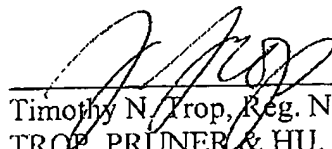
Finally, the rejection fails to make out a *prima facie* rejection since it is a rejection based on a single reference under Section 103. No rationale to modify the reference is set forth, nor is it believed to be possible that the reference could teach a rationale to modify itself. For this additional reason, a *prima facie* rejection is not made out.

Moreover, it is impossible to respond to the rejection of the dependent claims because nothing is pointed out to substantiate the rejection. The argument that the claims are considered to merely cite what is considered implicit is noted, but there is no basis for such a rejection. If the rejection is based on inherency, this must be stated and the basis for the asserted inherency must be set forth. There is nothing implicit in Parry and there is nothing in Parry that sets forth any of these elements or any reason to believe that any of these elements have any correspondence in Parry. In short, Parry is of highly questionable relevancy, if any, to any of the recited claims.

Reconsideration would be appropriate.

Respectfully submitted,

Date: January 29, 2007



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